THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 26254 of 1996

DATED: 16.02.2006

Between:

V.Srikanth.

... PETITIONER

AND

The District Collector and another.

... RESPONDENTS

ORDER:

The petitioner claims that he is the owner of the land, admeasuring Ac.18.3 guntas, in Survey Nos.285/14, 286/1,3,4, 9, 286/E2 and 299/1,2 & 5 of Tegul Village, Jagadevpur Mandal, Medak District. The Mandal Revenue Officer, Jagadevpur Mandal, Medak District, 3rd respondent herein, issued notice, dated 02.11.1996, stating that the petitioner has put obstructions, on the cart track, passing through Survey Nos.284, 282, 281, 78 and 276, and required him to remove the same. The petitioner challenges the impugned notice, mainly on the ground that he has not been given an opportunity to submit explanation.

In the counter affidavit filed on behalf of the respondents, it is stated that complaints have been received from the owners of land in other Survey Numbers to the effect that the cart track, which is existing and noted in the village map, is being obstructed by the petitioner, and in that view of the matter, the impugned notice was issued.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The impugned notice does not refer to the provisions of any Act or Rules. It required the petitioner to remove the obstructions said to have been caused by him. The relevant facts have been stated with required clarity and elaboration.

Before requiring the petitioner to remove the obstruction, he ought to have been required to show cause. That, in turn, would have enabled the petitioner to put forward his point of view. The question as to whether the so-called obstruction is across the cart track, which is shown in the village map, or at a different place, needs to be verified, with reference to the explanation that may be submitted by the petitioner. The impugned notice can be treated as the one requiring the petitioner to submit explanation.

Hence, the Writ Petition is disposed of, directing that the notice, dated 02.11.1996, issued by the 3rd respondent, shall be treated as show cause notice, and it shall be open to the petitioner to submit explanation thereto, within a period of four (4) weeks from today. On a consideration of the same, the 3rd respondent shall pas appropriate final orders, if necessary, by undertaking spot inspection. *Status quo* obtaining as on today shall be maintained till then. There shall be no order as to costs.

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16.02.2006

Jsu